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IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

No. CR 09-1030 CRB

12 Plaintiff,

ORDER

13 v.

14 DERON CHEEVES, and
15 REGINALD ELMORE

16 Defendants.

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18 In light of the expedited testing discussed at today's hearing, the Court today signed
19 the Government's proposed order authorizing the acquisition of a buccal swab of Defendant
20 Elmore. The Court signed the order with the understanding that, as discussed at the March
21 24 hearing, Defendant Elmore retains the right to challenge the Government's evidence of
22 probable cause to support the search. If such a challenge is successful, the evidence obtained
23 through the re-swabbing can be excluded from trial.

24 **IT IS SO ORDERED.**

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27 Dated: March 31, 2010



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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE